

TITLE IX—RAIL TRANSPORTATION

SEC. 9001. HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.

(a) CORRIDOR DEVELOPMENT.—

(1) AMENDMENTS.—Section 26101 of title 49, United States Code, is amended—

(A) in the section heading, by striking “**planning**” and inserting “**development**”;

(B) in the heading of subsection (a), by striking “PLANNING” and inserting “DEVELOPMENT”;

(C) by striking “corridor planning” each place it appears and inserting “corridor development”;

(D) in subsection (b)(1)—

(i) by inserting “, or if it is an activity described in subparagraph (M)” after “high-speed rail improvements”;

(ii) by striking “and” at the end of subparagraph (K);

(iii) by striking the period at the end of subparagraph (L) and inserting “; and”;
and



1 (iv) by adding at the end the following
2 new subparagraph:

3 “(M) the acquisition of locomotives, rolling
4 stock, track, and signal equipment.”; and

5 (E) in subsection (c)(2), by striking “plan-
6 ning” and inserting “development”.

7 (2) CONFORMING AMENDMENT.—The item re-
8 lating to section 26101 in the table of sections of
9 chapter 261 of title 49, United States Code, is
10 amended by striking “planning” and inserting “de-
11 velopment”.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
13 26104 of title 49, United States Code, is amended to read
14 as follows:

15 **“§ 26104. Authorization of appropriations**

16 “(a) FISCAL YEARS 2006 THROUGH 2013.—There
17 are authorized to be appropriated to the Secretary—

18 “(1) \$70,000,000 for carrying out section
19 26101; and

20 “(2) \$30,000,000 for carrying out section
21 26102,

22 for each of the fiscal years 2006 through 2013.

23 “(b) FUNDS TO REMAIN AVAILABLE.—Funds made
24 available under this section shall remain available until ex-
25 pended.”.

1 (c) DEFINITION.—Section 26105(1) of title 49,
2 United States Code, is amended by striking “and coopera-
3 tive agreements” and inserting “, cooperative agreements,
4 and other transactions”.

5 **SEC. 9002. CAPITAL GRANTS FOR RAIL LINE RELOCATION**
6 **PROJECTS.**

7 (a) ESTABLISHMENT OF PROGRAM.—

8 (1) PROGRAM REQUIREMENTS.—Chapter 201 of
9 title 49, United States Code, is amended by adding
10 at the end of subchapter II the following:

11 **“§ 20154. Capital grants for rail line relocation**
12 **projects**

13 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
14 of Transportation shall carry out a grant program to pro-
15 vide financial assistance for local rail line relocation and
16 improvement projects.

17 “(b) ELIGIBILITY.—A State is eligible for a grant
18 under this section for any construction project for the im-
19 provement of the route or structure of a rail line that
20 either—

21 “(1) is carried out for the purpose of mitigating
22 the adverse effects of rail traffic on safety, motor ve-
23 hicle traffic flow, community quality of life, or eco-
24 nomic development; or



1 “(2) involves a lateral or vertical relocation of
2 any portion of the rail line.

3 “(c) CONSIDERATIONS FOR APPROVAL OF GRANT
4 APPLICATIONS.—In determining whether to award a grant
5 to an eligible State under this section, the Secretary shall
6 consider the following factors:

7 “(1) The capability of the State to fund the rail
8 line relocation project without Federal grant fund-
9 ing.

10 “(2) The requirement and limitation relating to
11 allocation of grant funds provided in subsection (d).

12 “(3) Equitable treatment of the various regions
13 of the United States.

14 “(4) The effects of the rail line, relocated or im-
15 proved as proposed, on motor vehicle and pedestrian
16 traffic, safety, community quality of life, and area
17 commerce.

18 “(5) The effects of the rail line, relocated as
19 proposed, on the freight and passenger rail oper-
20 ations on the rail line.

21 “(d) ALLOCATION REQUIREMENTS.—At least 50 per-
22 cent of all grant funds awarded under this section out of
23 funds appropriated for a fiscal year shall be provided as
24 grant awards of not more than \$20,000,000 each. The
25 \$20,000,000 amount shall be adjusted by the Secretary



1 to reflect inflation for fiscal years beginning after fiscal
2 year 2006.

3 “(e) NON-FEDERAL SHARE.—

4 “(1) PERCENTAGE.—A State or other non-Fed-
5 eral entity shall pay at least 10 percent of the
6 shared costs of a project that is funded in part by
7 a grant awarded under this section.

8 “(2) FORMS OF CONTRIBUTIONS.—The share
9 required by paragraph (1) may be paid in cash or
10 in kind.

11 “(3) IN-KIND CONTRIBUTIONS.—The in-kind
12 contributions that are permitted to be counted under
13 paragraph (2) for a project for a State or other non-
14 Federal entity are as follows:

15 “(A) A contribution of real property or
16 tangible personal property (whether provided by
17 the State or a person for the State).

18 “(B) A contribution of the services of em-
19 ployees of the State or other non-Federal enti-
20 ty, calculated on the basis of costs incurred by
21 the State or other non-Federal entity for the
22 pay and benefits of the employees, but exclud-
23 ing overhead and general administrative costs.

24 “(C) A payment of any costs that were in-
25 curred for the project before the filing of an ap-

1 plication for a grant for the project under this
2 section, and any in-kind contributions that were
3 made for the project before the filing of the ap-
4 plication, if and to the extent that the costs
5 were incurred or in-kind contributions were
6 made, as the case may be, to comply with a
7 provision of a statute required to be satisfied in
8 order to carry out the project.

9 “(4) FINANCIAL CONTRIBUTION FROM PRIVATE
10 ENTITIES.—

11 “(A) The Secretary shall require a State to
12 submit a description of the anticipated public
13 and private benefits associated with each rail
14 line relocation or improvement project described
15 in subsection (a). The determination of such
16 benefits shall be developed in consultation with
17 the owner and user of the rail line being relo-
18 cated or improved or other private entity in-
19 volved in the project.

20 “(B) The Secretary shall consider the fea-
21 sibility of seeking financial contributions or
22 commitments from private entities involved with
23 the project in proportion to the expected bene-
24 fits determined under subparagraph (A) that
25 accrue to such entities from the project.



1 “(f) AGREEMENTS TO COMBINE AMOUNTS.—Two or
2 more States (not including political subdivisions of States)
3 may, pursuant to an agreement entered into by the States,
4 combine any part of the amounts provided through grants
5 for a project under this section if—

6 “(1) the project will benefit each of the States
7 entering into the agreement; and

8 “(2) the agreement is not a violation of a law
9 of any such State.

10 “(g) REGULATIONS.—The Secretary shall prescribe
11 regulations for carrying out this section.

12 “(h) DEFINITIONS.—In this section:

13 “(1) CONSTRUCTION.—The term ‘construction’
14 means the supervising, inspecting, actual building,
15 and incurrence of all costs incidental to the con-
16 struction or reconstruction of a project described
17 under subsection (b)(1) of this section, including
18 bond costs and other costs relating to the issuance
19 of bonds or other debt financing instruments and
20 costs incurred by the State in performing project re-
21 lated audits, and includes—

22 “(A) locating, surveying, and mapping;

23 “(B) track installation, restoration, and re-
24 habilitation;

25 “(C) acquisition of rights-of-way;



1 “(D) relocation assistance, acquisition of
2 replacement housing sites, and acquisition and
3 rehabilitation, relocation, and construction of
4 replacement housing;

5 “(E) elimination of obstacles and reloca-
6 tion of utilities; and

7 “(F) and other activities defined by the
8 Secretary.

9 “(2) QUALITY OF LIFE.—The term ‘quality of
10 life’ includes first responders’ emergency response
11 time, the environment, noise levels, and other factors
12 as determined by the Secretary.

13 “(3) STATE.—The term ‘State’ includes, except
14 as otherwise specifically provided, a political subdivi-
15 sion of a State, and the District of Columbia.

16 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Secretary for use
18 in carrying out this section \$350,000,000 for each of the
19 fiscal years 2006 through 2009.”.

20 (2) CLERICAL AMENDMENT.—The chapter anal-
21 ysis for such chapter is amended by adding at the
22 end the following:

 “20154. Capital grants for rail line relocation projects.”.

23 (b) REGULATIONS.—

24 (1) TEMPORARY REGULATIONS.—Not later than
25 April 1, 2006, the Secretary of Transportation shall



1 issue temporary regulations to implement the grant
2 program under section 20154 of title 49, United
3 States Code, as added by subsection (a). Subchapter
4 II of chapter 5 of title 5, United States Code, shall
5 not apply to the issuance of a temporary regulation
6 under this subsection or of any amendment of such
7 a temporary regulation.

8 (2) FINAL REGULATIONS.—Not later than Oc-
9 tober 1, 2006, the Secretary shall issue final regula-
10 tions implementing the program.

11 **SEC. 9003. REHABILITATION AND IMPROVEMENT FINANC-**
12 **ING.**

13 (a) DEFINITIONS.—Section 102(7) of the Railroad
14 Revitalization and Regulatory Reform Act of 1976 (45
15 U.S.C. 802(7)) is amended to read as follows:

16 “(7) ‘railroad’ has the meaning given that term
17 in section 20102 of title 49, United States Code;
18 and”.

19 (b) GENERAL AUTHORITY.—Section 502(a) of the
20 Railroad Revitalization and Regulatory Reform Act of
21 1976 (45 U.S.C. 822(a)) is amended to read as follows:

22 “(a) GENERAL AUTHORITY.—The Secretary shall
23 provide direct loans and loan guarantees to—

24 “(1) State and local governments;



1 “(2) interstate compacts consented to by Con-
2 gress under section 410(a) of the Amtrak Reform
3 and Accountability Act of 1997 (49 U.S.C. 24101
4 nt);

5 “(3) government sponsored authorities and cor-
6 porations;

7 “(4) railroads;

8 “(5) joint ventures that include at least 1 rail-
9 road; and

10 “(6) solely for the purpose of constructing a
11 rail connection between a plant or facility and a sec-
12 ond rail carrier, limited option rail freight shippers
13 that own or operate a plant or other facility that is
14 served by no more than a single railroad.”.

15 (c) PRIORITY PROJECTS.—Section 502(c) of the Rail-
16 road Revitalization and Regulatory Reform Act of 1976
17 (45 U.S.C. 822(c)) is amended—

18 (1) by striking “or” after the semicolon in
19 paragraph (5);

20 (2) by striking “areas.” in paragraph (6) and
21 inserting “areas;”; and

22 (3) by adding at the end the following:

23 “(7) enhance service and capacity in the na-
24 tional rail system; or



1 “(8) would materially alleviate rail capacity
2 problems which degrade the provision of service to
3 shippers and would fulfill a need in the national
4 transportation system.”.

5 (d) EXTENT OF AUTHORITY.—Section 502(d) of the
6 Railroad Revitalization and Regulatory Reform Act of
7 1976 (45 U.S.C. 822(d)) is amended—

8 (1) by striking “\$3,500,000,000” and inserting
9 “\$35,000,000,000”;

10 (2) by striking “\$1,000,000,000” and inserting
11 “\$7,000,000,000”; and

12 (3) by adding at the end “The Secretary shall
13 not establish any limit on the proportion of the un-
14 used amount authorized under this subsection that
15 may be used for 1 loan or loan guarantee.”.

16 (e) COHORTS OF LOANS.—Section 502(f) of the Rail-
17 road Revitalization and Regulatory Reform Act of 1976
18 (45 U.S.C. 822(f)) is amended—

19 (1) by striking “and” after the semicolon in
20 subparagraph (D) of paragraph (2);

21 (2) by redesignating subparagraph (E) of para-
22 graph (2) as subparagraph (F);

23 (3) by adding after subparagraph (D) of para-
24 graph (2) the following:



1 “(E) the size and characteristics of the co-
2 hort of which the loan or loan guarantee is a
3 member; and”; and

4 (4) by adding at the end of paragraph (4) “A
5 cohort may include loans and loan guarantees. The
6 Secretary shall not establish any limit on the propor-
7 tion of a cohort that may be used for 1 loan or loan
8 guarantee.”.

9 (f) CONDITIONS OF ASSISTANCE.—

10 (1) ASSURANCES.—Section 502(h) of the Rail-
11 road Revitalization and Regulatory Reform Act of
12 1976 (45 U.S.C. 822(h)) is amended—

13 (A) by inserting “(1)” before “The Sec-
14 retary”;

15 (B) by redesignating paragraphs (1), (2),
16 and (3) as subparagraphs (A), (B), and (C);
17 and

18 (C) by adding at the end the following:

19 “(2) The Secretary shall not require an applicant for
20 a direct loan or loan guarantee under this section to pro-
21 vide collateral. Any collateral provided or thereafter en-
22 hanced shall be valued as a going concern after giving ef-
23 fect to the present value of improvements contemplated
24 by the completion and operation of the project. The Sec-
25 retary shall not require that an applicant for a direct loan



1 or loan guarantee under this section have previously
2 sought the financial assistance requested from another
3 source.

4 “(3) The Secretary shall require recipients of direct
5 loans or loan guarantees under this section to comply
6 with—

7 “(A) the standards of section 24312 of title 49,
8 United States Code, as in effect on September 1,
9 2002, with respect to the project in the same man-
10 ner that the National Railroad Passenger Corpora-
11 tion is required to comply with such standards for
12 construction work financed under an agreement
13 made under section 24308(a) of that title; and

14 “(B) the protective arrangements established
15 under section 504 of this Act, with respect to em-
16 ployees affected by actions taken in connection with
17 the project to be financed by the loan or loan guar-
18 antee.”.

19 (2) TECHNICAL CORRECTION.—Section 502 of
20 the Railroad Revitalization and Regulatory Reform
21 Act of 1976 (45 U.S.C. 822) is amended by striking
22 “offered;” in subsection (f)(2)(A) and inserting “of-
23 fered, if any;”.

24 (g) TIME LIMIT AND REPAYMENT SCHEDULES.—
25 Section 502 of the Railroad Revitalization and Regulatory



1 Reform Act of 1976 (45 U.S.C. 822) is amended by add-
2 ing at the end the following:

3 “(i) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—

4 Not later than 90 days after receiving a complete applica-
5 tion for a direct loan or loan guarantee under this section,
6 the Secretary shall approve or disapprove the application.

7 “(j) REPAYMENT SCHEDULES.—

8 “(1) IN GENERAL.—The Secretary shall estab-
9 lish a repayment schedule requiring payments to
10 commence not later than the sixth anniversary date
11 of the original loan disbursement.

12 “(2) ACCRUAL.—Interest shall accrue as of the
13 date of disbursement, and shall be amortized over
14 the remaining term of the loan beginning at the time
15 the payments begin.”.

16 (h) EVALUATION CHARGE.—Section 503(k) of the
17 Railroad Revitalization and Regulatory Reform Act of
18 1976 (45 U.S.C. 823(k)) is amended—

19 (1) in the subsection heading, by striking “IN-
20 VESTIGATION” and inserting “EVALUATION”;

21 (2) by inserting “the cost of evaluating the ap-
22 plication, including” after “reasonable charge for”;
23 and

24 (3) by adding at the end the following:

25 “Amounts collected under this subsection shall be



1 credited directly to the Safety and Operations ac-
2 count of the Federal Railroad Administration, and
3 shall remain available until expended to pay for the
4 evaluation costs described in this subsection.”.

5 (i) FEES AND CHARGES.—Section 503 of the Rail-
6 road Revitalization and Regulatory Reform Act of 1976
7 (45 U.S.C. 823) is amended by adding at the end the fol-
8 lowing new subsection:

9 “(l) FEES AND CHARGES.—Except as provided in
10 this title, the Secretary may not assess any fees, including
11 user fees, or charges in connection with a direct loan or
12 loan guarantee provided under section 502.”.

13 (j) SUBSTANTIVE CRITERIA AND STANDARDS.—Not
14 later than 30 days after the date of the enactment of this
15 Act, the Secretary of Transportation shall publish in the
16 Federal Register and post on the Department of Trans-
17 portation website the substantive criteria and standards
18 used by the Secretary to determine whether to approve
19 or disapprove applications submitted under section 502 of
20 the Railroad Revitalization and Regulatory Reform Act of
21 1976 (45 U.S.C. 822). The Secretary of Transportation
22 shall ensure adequate procedures and guidelines are in
23 place to permit the filing of complete applications within
24 30 days of such publication.



1 **SEC. 9004. REPORT REGARDING IMPACT ON PUBLIC SAFE-**
2 **TY OF TRAIN TRAVEL IN COMMUNITIES WITH-**
3 **OUT GRADE SEPARATION.**

4 (a) **STUDY.**—The Secretary of Transportation shall,
5 in consultation with State and local government officials,
6 conduct a study of the impact of blocked highway-railroad
7 grade crossings on the ability of emergency responders to
8 perform public safety and security duties.

9 (b) **REPORT ON THE IMPACT OF BLOCKED HIGH-**
10 **WAY-RAILROAD GRADE CROSSINGS ON EMERGENCY RE-**
11 **SPONDERS.**—Not later than 1 year after the date of enact-
12 ment of this Act, the Secretary shall submit the results
13 of the study and recommendations for reducing the impact
14 of blocked crossings on emergency response to the Senate
15 Committee on Commerce, Science, and Transportation
16 and the House of Representatives Committee on Trans-
17 portation and Infrastructure.

18 **SEC. 9005. WELDED RAIL AND TANK CAR SAFETY IMPROVE-**
19 **MENTS.**

20 (a) **TRACK STANDARDS.**—Section 20142 of title 49,
21 United States Code, is amended by adding at the end the
22 following new subsection:

23 “(e) **TRACK STANDARDS.**—

24 “(1) **IN GENERAL.**—Within 90 days after the
25 date of enactment of this subsection, the Federal
26 Railroad Administration shall—



1 “(A) require each track owner using con-
2 tinuous welded rail track to include procedures
3 (in its procedures filed with the Administration
4 pursuant to section 213.119 of title 49, Code of
5 Federal Regulations) to improve the identifica-
6 tion of cracks in rail joint bars;

7 “(B) instruct Administration track inspec-
8 tors to obtain copies of the most recent contin-
9 uous welded rail programs of each railroad
10 within the inspectors’ areas of responsibility
11 and require that inspectors use those programs
12 when conducting track inspections; and

13 “(C) establish a program to review contin-
14 uous welded rail joint bar inspection data from
15 railroads and Administration track inspectors
16 periodically.

17 “(2) INSPECTION.—Whenever the Administra-
18 tion determines that it is necessary or appropriate,
19 the Administration may require railroads to increase
20 the frequency of inspection, or improve the methods
21 of inspection, of joint bars in continuous welded
22 rail.”.

23 (b) TANK CAR STANDARDS.—



1 (1) AMENDMENT.—Subchapter II of chapter
2 201 of title 49, United States Code, is amended by
3 adding at the end the following new section:

4 **“§ 20155. Tank cars**

5 “(a) STANDARDS.—The Federal Railroad Adminis-
6 tration shall—

7 “(1) validate a predictive model to quantify the
8 relevant dynamic forces acting on railroad tank cars
9 under accident conditions within 1 year after the
10 date of enactment of this section; and

11 “(2) initiate a rulemaking to develop and imple-
12 ment appropriate design standards for pressurized
13 tank cars within 18 months after the date of enact-
14 ment of this section.

15 “(b) OLDER TANK CAR IMPACT RESISTANCE ANAL-
16 YSIS AND REPORT.—Within 1 year after the date of enact-
17 ment of this section the Federal Railroad Administration
18 shall conduct a comprehensive analysis to determine the
19 impact resistance of the steels in the shells of pressure
20 tank cars constructed before 1989. Within 6 months after
21 completing that analysis the Administration shall transmit
22 a report, including recommendations for reducing any risk
23 of catastrophic fracture and separation of such cars, to
24 the Committee on Commerce, Science, and Transportation



1 of the Senate and the Committee on Transportation and
2 Infrastructure of the House of Representatives. ”.

3 (2) TABLE OF SECTIONS AMENDMENT.—The
4 table of sections for subchapter II of chapter 201 of
5 title 49, United States Code, is amended by adding
6 at the end the following new item:

“20155. Tank cars.”.

7 **SEC. 9006. ALASKA RAILROAD.**

8 (a) GRANTS.—The Secretary shall make grants to
9 the Alaska Railroad for capital rehabilitation and improve-
10 ments benefiting its passenger operations.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 such sums as may be necessary.

14 **SEC. 9007. STUDY OF RAIL TRANSPORTATION AND REGULA-**
15 **TION.**

16 (a) REQUIREMENT.—Not later than 180 days after
17 the date of enactment of this Act, the Secretary of Trans-
18 portation shall enter into an arrangement with the Trans-
19 portation Research Board of the National Academy of
20 Sciences to conduct a comprehensive study of the Nation’s
21 railroad transportation system since the enactment of the
22 Staggers Rail Act of 1980. The study shall address and
23 make recommendations on—



1 (1) the performance of the Nation's major rail-
2 roads regarding service levels, service quality, and
3 rates;

4 (2) the projected demand for freight transpor-
5 tation over the next two decades and the constraints
6 limiting the railroads' ability to meet that demand;

7 (3) the effectiveness of public policy in bal-
8 ancing the need for railroads to earn adequate re-
9 turns with those of shippers for reasonable rates and
10 adequate service; and

11 (4) the future role of the Surface Transpor-
12 tation Board in regulating railroad rates, service lev-
13 els, and the railroads' common carrier obligations,
14 particularly as railroads may become revenue ade-
15 quate.

16 (b) REPORT TO CONGRESS.—Not later than 1 year
17 after the Secretary and the Transportation Research
18 Board enter into the arrangement for the study, the Sec-
19 retary shall transmit the results of the study conducted
20 under subsection (a) to the Committee on Transportation
21 and Infrastructure of the House of Representatives and
22 the Committee on Commerce, Science, and Transportation
23 of the Senate.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Secretary of



1 Transportation \$1,000,000 for fiscal year 2006 and
2 \$800,000 for fiscal year 2007 to carry out this section.
3 Such sums are to remain available until expended.

4 **SEC. 9008. HAWAII PORT INFRASTRUCTURE EXPANSION**
5 **PROGRAM.**

6 (a) IN GENERAL.—Amounts appropriated or other-
7 wise made available for any fiscal year for an intermodal
8 or marine facility comprising a component of the Hawaii
9 Port Infrastructure Expansion Program, and any non-
10 Federal contributions made available for that program,
11 shall be—

12 (1) transferred to and administered by the Ad-
13 ministrator of the Maritime Administration; and

14 (2) subject only to such conditions and require-
15 ments as may be required by the Maritime Adminis-
16 tration.

17 (b) INTERMODAL AUTHORIZATIONS.—

18 (1) INTERMODAL CENTERS.—Notwithstanding
19 any other provision of law, an intermodal or marine
20 facility described in subsection (a) is eligible for
21 funding under section 5309(m)(1)(C) of title 49,
22 United States Code.

23 (2) INTERMODAL SURFACE FREIGHT TRANSFER
24 FACILITY ELIGIBILITY.—Notwithstanding any other
25 provision of law, an intermodal or marine facility de-



1 scribed in subsection (a) is deemed to be eligible to
2 be an intermodal surface freight transfer facility for
3 the purposes of section 181(9)(D) of title 23, United
4 States Code.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There are authorized to be
7 appropriated to the Secretary of Transportation
8 such sums as may be necessary to carry out this sec-
9 tion.

10 (2) NO LIMITATION.—Nothing in paragraph (1)
11 shall be construed—

12 (A) to limit or prevent the transfer or ad-
13 ministration under subsection (a) of any funds
14 appropriated or otherwise made available pursu-
15 ant to any other authorization of appropriations
16 or by any appropriations Act; or

17 (B) to limit the application of subsection
18 (b) to title 49, United States Code.

